

February 27, 1975

SENATOR LUEDTKE: Mr. President, members of the Legislature, these particular amendments deal with the small claims court, in fact the bill deals with the small claims court to make it what it's supposed to be - a real service to the citizens of the State of Nebraska so that you have as little impediments to the usage of the small claims court as possible. This is for the person who does not have to go get an attorney, who can go into court on his own. It is important that he not be bogged down by a lot of costly impediments to obtaining justice under the small claims court system. This particular amendment provides that subject to any . . . particularly all of them . . . talk about striking "personally" and showing that it would be done to transfer the case to the regular . . . strike the word "personally" so they would not have to have the personal service, but could use the present methods of service as leaves the service of mail possible if they have not made their service in the first instance. As stated in the committee statement, Judge Gradwahl prepared this amendment from our Municipal Court here in Lincoln with reference to personal service, and allowing the service in all other cases. It would be stricken in the matter only of the small claims court. It would also permit transference to the regular docket without the requirement of . . . requesting a jury trial. Let me explain that. The way it is now, just as a way of getting the case out of small claims court, because of the fact constitutionally you should have the right to trial by jury in any case, constitutionally. They have been requested that they have a jury trial. This is only been a way around . . . and a way of subterfuge, of getting it out of the justice court. So they are just saying what they do . . . there's no need for this subterfuge . . . just permit the transfer to the regular civil docket which will have the same affect. So we won't be so hypocritical about it.

SENATOR SAVAGE: The Chair recognizes Senator Mills.

SENATOR MILLS: Mr. President, a question of Senator Luedtke.

SENATOR SAVAGE: Do you yield Senator Luedtke?

SENATOR LUEDTKE: Yes.

SENATOR MILLS: Senator Luedtke, does this take, in any way, away the right for mailing? I'm a little bit confused. Could you clear that up.

SENATOR LUEDTKE: No. It goes right on to state . . . see that hasn't been taken out of the bill. When service by mail is requested the court shall mail the notice by registered, certified mail. That's still in the bill.

SENATOR MILLS: Thank you.

SENATOR SAVAGE: If there is no further discussion, the question is to adopt the committee amendments as explained by Senator Luedtke. Please record your vote. Senator Savage voting aye. Record the vote.

CLERK: Senator Savage voting aye. 27 ayes, 0 nays, 22 not voting.